

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review by	)	
	)	
Solomon Schechter School of Queens Flushing, New York	)	File No. SLD-258242
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Associations, Inc.	)	CC Docket No. 97-21
	)	

**ORDER**

**Adopted: May 22, 2002**

**Released: May 23, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a request by Solomon Schechter School of Queens (Schechter), Flushing, New York, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> Specifically, Schechter requests review of SLD's determination that it did not meet the filing deadline for discounts for services under for Funding Year 4.<sup>2</sup> For the reasons set forth below, Schechter's Request for Review is denied.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.<sup>3</sup> In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

<sup>1</sup> Letter from Susanne Felder, Solomon Schechter School of Queens, to Federal Communications Commission, filed August 27, 2001 (Request for Review). Although SLD treated Schechter's appeal to SLD as a request for a waiver of the filing deadline, the primary issue raised by the applicant is a factual question of whether the deadline was met. *See* Letter from Schools and Libraries Division, Universal Service Administrative Company to Susanne Felder, Solomon Schechter School of Queens, dated August 16, 2001 (Administrative Decision on Waiver Request); *see also* Request for Review. Therefore, we treat Schechter's pleading as a Request for Review.

<sup>2</sup> *See* Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>3</sup> 47 C.F.R. §§ 54.501–54.503.

technological needs and the services for which it seeks discounts.<sup>4</sup> Once the applicant has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carrier with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.<sup>5</sup> The Commission's rules require that the applicant file a completed FCC Form 471 by the filing window deadline to be considered pursuant to the funding priorities for in-window applicants.<sup>6</sup> The last day of the filing window for Funding Year 4 was January 18, 2001 and all constituent parts of the application had to be postmarked by that date.<sup>7</sup>

3. Schechter argues that SLD's determination that it missed the filing deadline was incorrect.<sup>8</sup> Schechter's Request for Review focuses on the timing of the mailing of the paperwork that went along with the electronically filed FCC Form 471: the Block 6 certification page, and Item 21 attachments.<sup>9</sup> According to SLD records, however, the portion of the application that Schechter filed online was never actually submitted.<sup>10</sup> Schechter does not address the timeliness of the electronically filed FCC Form 471 in its Request for Review.<sup>11</sup> Although the Block 6 certification page and Item 21 attachments were in an envelope that was sent to SLD within the filing window, there is nothing in the record to indicate that Schechter used the mail to submit a copy of the main portion of its application.<sup>12</sup> Therefore, we find that Schechter did not submit that portion of the application either electronically or by mail within the filing window, and we deny Schechter's Request for Review.

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<sup>4</sup> 47 C.F.R. § 54.504(b).

<sup>5</sup> 47 C.F.R. § 54.504(c).

<sup>6</sup> 47 C.F.R. §§ 54.504(c), 54.507(g).

<sup>7</sup> SLD web site, FCC Form 471 Window Opens for Year 4 Applicants; New Filing Requirements Firmly Established (November 2, 2000) <<http://www.sl.universalservice.org/whatsnew/112000.asp#110200>>.

<sup>8</sup> Request for Review.

<sup>9</sup> *Id.* Schechter says the actual wording on the notice was that those items "were received" outside the filing window. As noted above, the standard for Funding Year 4 was that the material be postmarked, not received, by the close of the filing window.

<sup>10</sup> It appears that Schechter entered data into the online filing system but failed to press the "send" button. *See* FCC Form 471, Solomon Schechter School of Queens, initiated January 18, 2001.

<sup>11</sup> Even in its correspondence with SLD, Schechter focussed on the certification page and attachments which were mailed to SLD on January 18, 2001, but inadvertently redirected by SLD to another applicant. Schechter Form 471 (including a letter from a California applicant to Schechter, and a note from Schechter to SLD explaining the problem). In March, the California applicant returned the material to Schechter, which forwarded it with an explanatory note to SLD in April. *Id.* SLD incorrectly labeled the attachments as only received in April. Schechter Form 471 (bar code date of April 10, 2001 placed by SLD on certification page).

<sup>12</sup> Schechter Form 471 (envelope containing certification page and attachments sent on January 18, 2001).

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed on August 27, 2001, by Solomon Schechter School of Queens, Flushing, New York, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau